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REMARKS

The final Office Action dated 25 March 2005 has been reviewed, and the comments of the Patent Office considered. Claims 1-13, 20 and 21 have been canceled without prejudice or disclaimer, claims 19 and 22 have been rewritten in independent form, and claims 14-18, 23 and 24 have been amended to depend from either of independent claims 19 and 22. Thus, claims 14-19 and 22-24 are pending and are respectfully submitted for reconsideration by the Examiner in view of the following remarks.

Claims 13-19 and 22-24 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Contrary to the assertion in the Office Action, Applicants' fuel outlet is a feature of the fuel injector (See page 3, lines 16-19), whereas the opening is recited as a feature of Applicants' seat. As such, it is respectfully submitted that that assertion in the Office Action is erroneous and that the rejections under 35 U.S.C. § 112 should be withdrawn.

Nevertheless, amended claims 19 and 22 particularly point out and distinctly claim that Applicants' seat has an "exit passage" disposed on the longitudinal axis at the fuel outlet. Support for this language may be found, for example, in Applicants' originally filed specification at page 5, lines 28-29, and in Applicants' originally filed Figure 3A, which shows a front cross-sectional view of Applicants' modified outlet seat.

Claims 13-19 and 22-24 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,586,726 to Furuya et al. ("Furuya"). These rejections are respectfully traversed in view of the following comments.

Independent claim 19 recites a method of generating a spray pattern including, *inter alia*, "at least one of the plurality of passages is at a different distance from the longitudinal axis than the other passages." And independent claim 22 recites a method of generating a spray pattern including, *inter alia*, "at least one of the plurality of passages has a different cross-section than the other passages." Support for these combinations of features may be found, for example, in Applicants' originally filed specification at page 6, lines 25-29, and in Applicants' originally filed Figure 6.

In contrast, Furuya shows fuel inlets 24 (and first injection nozzle holes 8) that appear to be uniformly sized and uniformly spaced with respect to a central longitudinal axis of fuel injection nozzle 20 (and fuel injection nozzle 1).

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As such, it is respectfully submitted that Furuya fails to teach or suggest the combinations of features recited in Applicants' independent claims 19 and 22, and that the rejections under 35 U.S.C. § 102(b) of these claims should be withdrawn. Additionally, claims 14-18, 23 and 24 depend from either of independent claims 19 and 22, and therefore recite the same patentable combinations of features, as well as reciting additional features that further distinguish over Furuya. Accordingly, it is respectfully submitted that the rejections under 35 U.S.C. § 102(b) of these claims should also be withdrawn.

Claims 13-19 and 22-24 also stand rejected under the judicially created doctrine of obviousness-type double patenting. These rejections are again respectfully traversed in view of the comments presented in Applicants' Amendment and Request for Reconsideration that was filed 13 January 2005. In particular, it is respectfully submitted that the claims of the present invention are patentably distinct from claims 13-19 and 22-24 of U.S. Patent No. 6,799,733 to Pace et al. ("Pace"), and that the Office Action still has failed to establish why one of ordinary skill in the art would conclude that that the invention recited in the instant claims 14-19 and 22-24 is an obvious variant of the invention recited in Pace's claims 13-19 and 22-24. The Office Action does not meet the burden of proof required to establish a *prima facie* case of obviousness-type double patenting in accordance with the requirements set forth in M.P.E.P. § 804. Therefore, it is respectfully submitted that the rejections of claims 14-19 and 22-24 under the judicially created doctrine of obviousness-type double patenting should also be withdrawn.

There being no other objections or rejections, it is respectfully submitted that the present application is in condition for allowance, and early notification of such is earnestly solicited.

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CONCLUSION

Applicant respectfully requests that the Examiner enter this Amendment and Request for Reconsideration under 37 C.F.R. § 1.116, thereby placing all pending claims in condition for allowance.

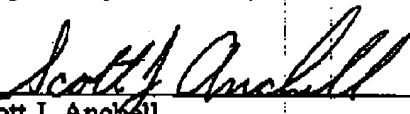
Should the Examiner feel that there are any issues outstanding after consideration of this reply, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution of the application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 08-1641. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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